IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1298 OF 2006

Mukhtar Ahmed Ansari ...Petitioner

Vs.

Latif Chandiwala & Ors. ...Respondents

Shri V.R.Tripathi for the Petitioner.

Shri A.S.Shitole, A.P.P for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 16, 2006.

P.C.:

1. Heard the Advocate appearing for the Petitioner. The Petitioner filed a private complaint alleging commission of offence under sections 500, 504 and 506(II) of the Indian Penal Code. Process was ordered to be issued. In Revision Application filed by the accused persons, the Revisional Court has interfered and has set aside the order issuing process. The Revisional Court was of the view that case is covered by exception 8 incorporated in section 499 of the Indian Penal Code.

2. The learned Advocate for the Petitioner submitted that the learned Revisional Court has completely misread the letter dated 26th September, 2000 on the basis of which private complaint was filed.

He submitted that it was not a complaint addressed to the Police Station but it was a letter addressed to the Petitioner himself. He submitted that a copy of the said letter was forwarded to the Police Station. He submitted that the letter must have been circulated to all police stations thereby publishing the same.

3. I have considered the submissions. The letter dated 26th September, 2000 has been issued by members of the co-operative housing society in which the Petitioner is allegedly holding a shop premises. The letter records allegations regarding illegal activities of the Petitioner and members of his family. A copy of the said letter has been forwarded to the Officer In-charge of the Police Station having jurisdiction over the area. Perusal of the said letter shows that the learned Revisional Court was right in holding that exceptions 8 and 9 in section 499 of the Penal Code will be applicable. The members of the Society have made a grievance about the conduct of the Petitioner by writing the said letter. The members have chosen to address the said letter to the Petitioner himself and a copy thereof is sent only to the Officer In-charge of the Police Station having jurisdiction over the area. I find no error in the approach of the learned Judge.

There is no merit in the Writ Petition and the same is rejected.

JUDGE